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## ENFORCEMENT OF THE CHINESE EXCLUSION LAW

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New York.

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On the twenty-ninth day of the eleventh moon of Peng Ng year, that is, January 13, 1907, there appeared on the walls of many buildings in the Chinese quarter of Singapore a declaration from which I take the following statement: "In America we are one and all ill-treated as if we were criminals, no distinction being made between officials, merchants, students and ordinary people. There the disgrace inflicted upon us may be said to be carried to its fullest limit. . . . Given by Lam Hong Wai, the man who proposes to revive the boycott." The signer of this declaration was a well-known, prosperous Chinese merchant of Singapore, and his judgment on the American Bureau of Immigration, I am informed, voiced the general sentiment of intelligent Chinamen.

A few months previous to the above pronunciamiento, I was visited by a Chinese merchant, who told me the following experience of a brother merchant of New York. A son of the latter, born in this country, hence entitled under the law to live here, had gone to Canton to receive a Chinese education. On the completion of his studies he returned to this country. Upon reaching San Francisco, in spite of the fact that he was a first-class passenger and carried papers establishing his American birth, he was stopped and confined in the "pen," the rough quarters in which detained immigrants were lodged. Upon his detention he wired his father, who at once started for San Francisco. The father found on arrival that his son had been ordered deported. The father retained an American lawyer, who appealed from the local decision on the case to the higher immigration authorities in Washington. Two days later the father was visited by a Chinese interpreter in the service of the American government, who told him that he had wasted time in appealing to Washington and that fifty dollars given to the right man would have "fixed" the case. The interpreter stated subsequently that even then one hundred dollars would arrange the

matter. This amount was promptly paid and the next day the father and son started east.

Similar incidents were told me by Chinese merchants and officials as well as by American missionaries. Some of their tales were well substantiated; some were of doubtful truth. But unfortunately the fiction was not more discreditable than the truth. An able Chinese governor, since made viceroy, stated to me that though he desired to send students from his province to America, he was deterred from doing so by the treatment accorded to Chinese students at American ports of entry.

In his annual message to Congress in 1905, President Roosevelt said:

In the effort to carry out the policy of excluding Chinese laborers—Chinese coolies—grave injustice and wrong have been done by this nation to the people of China, and, therefore, ultimately to this nation itself. Chinese students, business and professional men of all kinds—not only merchants, but bankers, doctors, manufacturers, professors, travelers and the like—should be encouraged to come here and treated on precisely the same footing that we treat students, business men, travelers and the like of other nations. . . . There would not be the least danger that any such provision would result in any relaxation of the law about laborers. These will under all conditions be kept out absolutely. But it will be more easy to see that both justice and courtesy are shown, as they ought to be shown, to other Chinese, if the law or treaty is framed as above suggested. Examinations should be completed at the port of departure from China.

In this message the President recommended that the laws be so altered as to permit the exempt classes, that is, those not laborers, to come and go freely, with the privileges granted to the same classes of other nationalities.

In his annual report to the President in 1907, Hon. Oscar S. Straus, Secretary of Commerce and Labor, said:

The real purpose of the government's policy is to exclude a particular and well-defined class, leaving other classes of Chinese, except as they, together with all other foreigners, may be included within the prohibitions of the general immigration laws, as free to come and go as the citizens or subjects of any other nation. As the laws are framed, however, it would appear that the purpose was rigidly to exclude persons of the Chinese race in general and to admit only such persons of the race as fall within certain expressly stated exemptions—as if, in other words, exclusion was the rule

and admission the exception. I regard this feature of the present laws as unnecessary and fraught with irritating consequences.

The editor of a well-known Chinese paper in San Francisco, in a pamphlet on the treatment of the exempt classes of Chinese in the United States, states: "Chinese laborers of all classes have been excluded from the United States by mutual agreement, and the Chinese themselves are not now asking for any change in this arrangement, but they do ask for as fair treatment as other nationalities receive in relation to the exempt classes." He adds: "It is well known that the discourteous treatment of merchants and students by immigration officials was the principal cause of the boycott of American products in China in 1905."

In closing, the same writer quotes from an address delivered by Hon. William H. Taft when Secretary of War:

Is it just that for the purpose of excluding or preventing perhaps one hundred Chinese coolies from slipping into this country against the law, we should subject an equal number of Chinese merchants and students of high character to an examination of such an inquisitorial, humiliating, insulting and physically uncomfortable character as to discourage altogether the coming of merchants and students? . . .

Is it not the duty of members of Congress and of the Executive to disregard the unreasonable demand of a portion of the community, deeply prejudiced upon this subject in the Far West, and insist on extending justice and courtesy to a people from whom we are deriving and are likely to derive such immense benefit in the way of international trade?

In view of these statements from the highest American official authorities and from eminent Chinese in America and China, it should not surprise us that both the Chinese government and the Chinese people feel outraged and forcibly manifest their indignation and resentment. A tangible expression of this feeling in China was the boycott of American goods in 1905, which was not, I believe, a protest against the exclusion of Chinese laborers, but against the ill treatment of the exempt classes by our officials.

The statement of the Chinese editor previously quoted regarding the boycott is particularly significant in this connection. I had occasion to investigate the whole matter with much care. Statements made to me by the Chinese consul of San Francisco, a Yale graduate, by another university graduate, one of the secretaries of

a recent imperial Chinese commission, by a Chinese Yale student highly commended by both faculty and students as to character and ability, by a former president of the Chinese Merchants' Association, and by Chinese merchants of Boston, New York and Buffalo, were all to the same effect. All admitted that Chinese merchants in America had substantially contributed to the boycott of American goods in China. My informants, however, unanimously denied that resentment aroused by our exclusion of Chinese laborers was the inciting cause.<sup>1</sup> But they asserted that the brutal treatment of merchants and students, belonging to the exempt classes, when seeking admission to this country, the blackmail merchants had been forced by subordinate government officials to pay for privileges to which they were legally entitled and the lack of security of person and property which they had experienced led them to aid the boycott. They alleged, however, that they were as anxious as our government to prevent the smuggling of laborers into this country and assigned three reasons therefor: first, such smuggling of ignorant laborers gave the Chinese merchants a bad name and hence injured their business; second, the smuggled coolies came to them in distress and were a financial burden upon them; third, these smuggled coolies often became low grade merchants and managers of disreputable dens, thus further discrediting the merchant class.

The Chinese merchants also bitterly complained of the selection of interpreters made by our government. The merchants held that these interpreters were not in any sense representative of the better elements of the Chinese communities. So strongly did the Chinese Merchants' Association of New York distrust the interpreter assigned to that port, that in 1903 it endorsed its president, a Chinese merchant of independent means, for the position of official interpreter. This position he agreed to accept in order to serve the Chinese community, though the salary was undoubtedly much smaller than the profits of his business.

Referring again to the boycott, it is but fair to state that our immigration officials in contradiction to the authorities above quoted, have insisted that the boycott was due to the desire of various classes in China and in this country to have the exclusion law so modified

<sup>1</sup>It was doubtless true that *in China* American exclusion of Chinese laborers was denounced and that both Chinese merchants and students in their public speeches there condemned our government for its action.

that coolies could more easily be admitted. The Bureau of Immigration calls attention to the fact that in the years 1903 to 1905, inclusive, 1,245 certificates were issued in China to those declaring themselves to be merchants, but that 22 per cent of these applicants were obviously not members of the exempt classes but laborers not entitled to enter the country, and consequently were rejected. Regarding these statistics a report of the bureau states: "It is confidently believed that many, perhaps a majority of the remaining 968, were also laborers, but had been so carefully coached and prepared beforehand that it was not possible to 'controvert' the prima facie evidence of their certificates and whose admission, therefore, was unavoidable." The bureau also calls attention to the fact that out of 2,218 Chinese who applied for admission to this country during the years 1904 and 1905, 642, or about 35 per cent, were rejected. The bureau believes the business of smuggling Chinese coolies to be so profitable that a large proportion of the Chinese merchants in this country have been directly or indirectly interested in it. A pamphlet issued by the bureau containing an elaborate defense of its action in a number of cases where its officials had been criticized, seeks to establish that the officials have merely enforced the exact provisions of the law and that difficulties have resulted only where individuals have failed to supply themselves with the admission papers required by our laws. But these views of the Bureau of Immigration do not seem to me sound, and its statements in regard to our Chinese communities unduly emphasize the dark side.

If the free admission of Chinese coolies were the price of a better understanding with China, it could not be paid. With but few exceptions it may be accepted as the universal judgment of our country that the admission of Chinese laborers with their low standard of living would injure the just interests of American labor, embitter our politics by another race issue, establish congested Chinese communities difficult to regulate, and be in many other ways an injury to our country and an embarrassment to local and national administrations. Chinese laborers must, therefore, be excluded.

The successful and tactful exclusion of the resourceful coolies is, it must be admitted, a very difficult task. It is my purpose to indicate the main difficulties in the way of the enforcement of the

exclusion law and to point out that the task could be made easier and the immigration service more efficient through a more intelligent understanding of the whole situation and through the exercise of proper discrimination in the enforcement of the law.

It is of course impossible to state how many Chinese enter our country each year illegally. From reliable information which I received in 1907, I estimated that during that year from 2,000 to 5,000 crossed our borders. In an official report of facts concerning the enforcement of the Chinese exclusion laws published by the Bureau of Immigration in 1906, it was stated that the "bureau does not hesitate to express the opinion that many Chinamen, perhaps hundreds, cross the Mexican boundary into the United States every year." The inspector in charge at El Paso stated in his annual report dated June 30, 1905, that "during the past fiscal year 486 coolies are known to have arrived in Juarez, probably forty-six coolies found employment in Juarez, practically one hundred left for other border points, so that approximately 320 coolies have disappeared near the international boundary line in the vicinity of El Paso, and doubtless gained unlawful entry." He adds that it is believed that "the handling (*i. e.*, smuggling) of Chinese coolies is the sole occupation of perhaps one-third of the Chinese population of El Paso." It may be explained that El Paso is directly across the Rio Grande from the Mexican city of Juarez and favorably located for smuggling.

Smuggling on the Mexican border and on the northwestern Canadian border is well known, but few probably realize that smuggling of coolies goes on steadily across the northeastern Canadian border and into the cities of New York and Boston. In 1906 I learned that during the months of July, August and September about seventy-five coolies were smuggled into the port of Boston. During the spring of 1907 I was informed by Chinese merchants in Buffalo that from two to four coolies were being smuggled into that port weekly.

The smuggling business is very profitable. From \$200 to \$300 is said to be charged for bringing in a coolie, the latter being compelled to pay off his debt from his first earnings after his entrance into the country. Dr. J. Endicott Gardiner, an inspector and chief interpreter at San Francisco, estimated the cost of bringing a coolie from China and landing him in New York State to be

\$300. The items reported are significant: \$20 for the perjured testimony, \$20 as commission to the middleman for obtaining the applicant, \$20 toward what is called 'the government interpreter's fund,' \$80 for the attorney, and the balance for transportation, incidental expenses, and the members of the ring." These figures agree with my own inquiries and are probably a fair average of the amount expended and the method of its distribution.

Several difficulties in the enforcement of the law must be admitted. First: Long stretches of territory covering thousands of miles must be protected by a few moderately paid officials, many of whom occupy uncomfortable quarters on the border most unwillingly. While on the whole, most of them probably render honest service during regular working hours, it is not surprising that they are indisposed to turn night into day in order to catch a few alert Chinamen whose resources or those of their friends seem to be unlimited, since they always have friends on the American side ready to help them and can always secure the help of able American counsel in case our officials are guilty of any technical error in procedure.

Second: Because of the high prices paid for smuggling Chinamen, the smuggling system has been well organized. The band of smugglers at any given point usually consists of one or two American citizens, a couple of Chinamen, with sometimes a Chinese interpreter or an immigrant inspector as side partners. The service rendered by the dishonest inspector is usually to "tip off" the doings of the other officials. He may also give notice that on a certain night the inspectors may not be on duty or will be watching at a particular point, leaving other points uncovered. Allied with the smugglers and dishonest officials are the train hands on freight trains crossing the Mexican and Canadian borders. A brakeman can always secure \$15 apiece for every Chinaman allowed to crawl into an empty freight car or otherwise conceal himself on the train with the brakeman's assistance or connivance. A conductor may get more. Undoubtedly some trainmen refuse to engage in this traffic, but many yield to the temptation to make a few dollars "on the side." The sentiment of the majority seems not to condemn the practice of smuggling Chinamen, especially as the help required from the trainmen is usually negative. It was recently stated by a high official of one of the railway unions that such smuggling could



be stopped if the trainmen's unions would take aggressive action to suppress it.

In view, therefore, of the extent of territory to be protected, the money available for bribery and the number of American and Chinese smugglers, it must be admitted that the enforcement of the exclusion law is difficult. But an examination of the facts leads one to the conclusion that certain important improvements in the service could and should be instituted.

First: The Chinese interpreters should be of a better grade. Our immigrant officials are largely in the hands of Chinese interpreters. This is inevitable, as few Americans speak Chinese. The dialects spoken by the Chinese coolies are unknown to Americans, except missionaries. The statements of the Chinese interpreters as a rule are, therefore, final and authoritative. Two or three interpreters whom I know are men of excellent character and have rendered faithful and loyal service, meriting high praise as well as more substantial compensation than they have received. Careful inquiry regarding the majority, however, shows that their origin and education do not sufficiently qualify them for the task. Ordinary laundrymen and low grade Chinese waiters have often been made interpreters. Such interpreters, if honest, are not likely to be equal to the task given them and their associates are probably in the coolie class of each community. Many of their most intimate friends and daily associates have entered the country in violation of the law. Why should they not favor their friends if they can do so when the chances of their being caught are very slight? With every appearance of honesty, strengthened by ostentatious roughness toward their countrymen in the presence of inspectors, they can entirely thwart the efforts of inspectors by tipping off intended raids, by informing their smuggler friends of the intended action of the inspectors, or by misinterpreting or mistranslating. The weak point, which is also the essential point, of our whole exclusion work rests with the Chinese interpreters, and if exclusion is to be effective, this service must be entrusted to intelligent men whose habits and associations are well known. These interpreters should be drawn not from the coolie class, as has been too largely the case in the past, but from the merchant class, since the latter class, as I have indicated, favors the enforcement of the exclusion law. It would be wise to establish these men in grades so that faithful and

efficient service would be rewarded by promotion and increased pay.

Upon a suggestion that I made two or three years ago a chief interpreter was appointed to have supervision over the entire force of interpreters. The first selection was, however, unfortunate, and after some delay the incumbent was removed. Such a supervisory official, however, is highly important to both the honesty and efficiency of the service.

The second important improvement should be a more careful distinction between the different classes of Chinamen. With some exceptions the immigration officials have failed utterly to establish friendly relations with those Chinamen who are in sympathy with the exclusion law, thereby to secure their coöperation in its enforcement. As previously indicated, the writer learned that a large body of Chinese merchants in this country is unfavorable to the importation of coolies and anxious to see the exclusion law strictly enforced.

How valuable their help might be is illustrated by a personal experience. In the summer of 1906, upon the request and authorization of President Roosevelt, I investigated the smuggling of coolies. Having established friendly relations with Chinese merchants in several eastern cities, I asked proof of their assertion that they knew that smuggling of coolies was then going on and that they were willing to join in its suppression. They agreed to make good both on their charge of smuggling and on their ability and willingness to help in its detection. The city of Boston was selected to test their declarations. The Chinese merchants of that city declared that in July and August of that year two parties of coolies, numbering about fifty, had been smuggled into that city by sailboat from Newfoundland under the very noses of the immigration officials. They stated that a third party would arrive in September and that I should be fully informed so that I could witness its landing. In due time I was told that the party had left St. Johns in a chartered yacht and would land on the New England coast at a certain date. Shortly before its arrival a notice in Chinese appeared on the walls of Chinatown in Boston warning the friends of the incoming coolies that the government had learned of their approach. The government's information came about in this way: It chanced that one of the smugglers upon the receipt of his pay for the August expedition got drunk and openly boasted of his smuggling achievement.

Through his statements suspicions were excited which resulted in the discovery of the projected September expedition. An inspector was sent to Halifax to head off the coolies at that point, but the fact that the inspector had been sent and the assumed name under which he traveled were given out by the chief Chinese inspector to the Boston press before the inspector reached Halifax. This useful information was probably telegraphed at once to the Chinese in Halifax.

On the morning of the landing of the coolies a Boston paper stated that a United States revenue cutter had been sent at full speed to Portland, Maine, as the government had been led to believe that the coolies were to be landed at that point. On the same day, upon information furnished by my friends, the Chinese merchants, I proceeded to Providence, where I witnessed the actual landing of the party at two o'clock in the morning. A description of the assistant smuggler who would receive the party, the time of his arrival in Providence from Boston, and the house to which he would go and to which the coolies would be taken were told me in advance. I personally verified all these particulars. This information was given to me because a former Chinese inspector who had the wisdom to establish friendly relations with the Chinese merchants and had treated them courteously put me in touch with them and backed my request for assistance.

This party of coolies would probably have been successfully entered without the Bureau of Immigration being any the wiser, but that, after the first two lots had been landed and housed, the smugglers felt so secure that they landed the rest of the coolies in a group. Several of these were found hiding in the grass by some workmen, who telephoned to the police and this remnant of the party was arrested.

I am quite aware that it is generally believed that the Chinese communities in our cities are composed of gamblers, opium eaters, smugglers and other law breakers. Doubtless these communities have their fair proportion of disorderly characters, but they do not monopolize gambling games in our cities, and though some of them take opium instead of alcohol, the difference is one of taste rather than character. There are, however, in our eastern cities, at least in each Chinese community, a considerable number of reputable, intelligent merchants devoting themselves strictly to business, living

orderly lives and desiring to be law-abiding and law-promoting citizens. These men who may not be known to the police or to our slumming parties, might be sought out by our officials, and as I have shown from my own experience, they could render invaluable service in making our exclusion laws effective.

A short time before the smuggling expedition just described, I had an interview with five Chinese merchants in Boston. One of them had a son at Harvard, and another a son at Yale. They talked as soberly and fairly as successful American merchants would have talked and explained fully to me the difficulties under which they were living in our country and the indignities to which they had been subjected by American immigration officials. It was only after they were convinced of my own good will and my authority to speak for the President that I secured their coöperation. Once pledged, however, their word was loyally kept; they never failed me at any point and made good though much trouble and effort were required to do so.

The third important improvement should be in the better organization of the Bureau of Immigration. The present organization of the bureau seems to me to be inadequate for its important tasks. It has two functions of a fundamentally different nature; the reception and handling of immigrants entering the Atlantic ports, of whom 98 per cent are admitted after careful sifting, and the reception and exclusion of Oriental immigrants on the Pacific coast which is quite the reverse of that on the Atlantic coast. The stations on the Pacific coast are far apart, some of them remote and uncomfortable. They need frequent visiting by proper officials constantly in touch and in correspondence with the heads of these offices. The Chinese or Oriental bureau should, therefore, in my opinion, be organized independently with its own chief and a deputy chief or general supervisor.

A fourth needed improvement of the highest importance is the thorough examination by the American consuls in China of Chinese applying for admission to this country. As President Roosevelt stated the case in his annual message to Congress in 1905: "Examinations should be completed at the port of departure." Additions to the office force of various consuls were recommended by President Roosevelt so that this added work might be promptly and thoroughly performed. The task of the immigration officials

at the ports of entry would then be merely to satisfy themselves that those producing the consular certificates were the parties to whom they had been issued.

The late Commissioner General Sargent recommended, I believe, that special commissioners of immigration should be placed at Hongkong and Shanghai, who should investigate and issue certificates. This would place the entire matter under the Bureau of Immigration and would eliminate misunderstanding or friction between government departments. Either of these remedies would contribute to the more successful exclusion of coolies and the elimination of delays and discourtesies in dealing with the exempt classes. The enforcement of the exclusion law at best is attendant with many difficulties. Its defective or brutal enforcement may embarrass our relations with China and seriously injure our commercial and diplomatic relations with the entire East. These relations are recognized to be of growing importance demanding the most serious attention.

Our own ignorance of Chinese conditions and classes both in China and in this country and our ignorance of the Chinese language which compels us to accept implicitly the statements of Chinese interpreters, are serious handicaps in our dealing with the Chinese. Our past failure to secure interpreters of proper grade, our consequent inability properly to handle the exempt classes, and the untrustworthiness of the certificates supplied by our own consuls have further augmented our difficulties. At present our consular service is undoubtedly far more trustworthy than formerly. Its investigations could prevent the abuse of consular certificates and could remove the delays and indignities endured by members of the exempt classes at our ports. Improvement in the grade and intelligence of interpreters, proper promotion for efficient service, establishment of the Chinese bureau as an independent branch of the immigration service under able management, the relentless pursuit of smugglers, both American and Chinese, and a better understanding of the Chinese communities in this country would make our exclusion policy more successful and promote good will in our political and commercial relations with the Orient.